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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,440	09/04/2003	Aaron Markworth	SPINE 3.0-395 CONT	6452
530 7590 04/05/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER HOFFMAN, MARY C	
			ART UNIT 3733	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/05/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/655, 440

EXAMINER

ART UNIT

PAPER

20070402

DATE MAILED:

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Commissioner for Patents

The reply filed on 01/08/2007 is considered a non-compliant response. Applicant agreed to submit a copy of the affidavit filed in the parent case (Serial No. 10/124,170); however, Applicant appears to have inadvertently not included the copy of the affidavit, since on page 10, bottom paragraph of the Remarks, Applicant state that "Enclosed for the Examiner's review is a copy of such Affidavit...evidence of reduction to practice prior to July 3, 2001" but no such copy of the affidavit was filed in the electronic application. Since the above-mentioned reply appears to be bona-fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction to avoid abandonment. EXTENSIONS OF TIME MAY BE GRANTED UNDER 37 CFR 1.136(a).

EDUARDO C. ROBERT
SUPERVISORY PATENT EXAMINER

MCH